

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of San Diego for an order authorizing modification of an existing at-grade crossing on three light rail vehicle tracks and one heavy rail track of the Metropolitan Transit Development Board, and one heavy rail track of the Burlington Northern and Santa Fe Railway Company, at Park Boulevard, in the City of San Diego, San Diego County, California.

Application 01-09-012
(Filed September 12, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
MODIFYING SCHEDULE**

The City of San Diego has requested that the schedule adopted at the December 10, 2001 Prehearing Conference be modified to allow the parties additional time to meet and confer regarding the issues in this proceeding. The City of San Diego is also preparing a "Secondary Study" to address the crossing modification and grade separation alternatives discussed at the Prehearing Conference. The Burlington Northern and Santa Fe Railway Company did not object to the proposed delay. The Commission's Rail Crossings Engineering Section similarly did not object to the delay but sought additional information on the Secondary Study.

Since the Prehearing Conference, I have reviewed the Commission's decisions in City of San Mateo, (1982) 8 CPUC2d 673, and City of Oceanside, (1992) 43 CPUC2d 46. As with the CEQA issues, I believe the parties and the Commission would benefit from resolving at an early stage whether the holdings

in these decisions apply to the City of San Diego's application. Therefore, the briefs currently scheduled to address CEQA issues should also address the applicability of the two cited cases. Should any party contend that these case holdings are inapplicable, that party should also include references to the applicable standards.

The revised initial schedule in this proceeding is:

Joint Written Status Report	March 15, 2002
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Concurrent Opening Briefs On Preliminary Issues	April 8, 2002
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Concurrent Reply Briefs on Preliminary Issues	April 29, 2002
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I will set subsequent procedural dates by separate ruling.

IT IS SO RULED.

Dated January 30, 2002, at San Francisco, California.

/s/ MARIBETH A. BUSHEY

Maribeth A. Bushey
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Modifying Schedule on all parties of record in this proceeding or their attorneys of record.

Dated January 30, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.